

# **EXHIBIT 1**

Excerpt from Deposition of  
W.L., Dated February 27, 2024

2/27/2024

Page 1

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CIVIL ACTION

-----  
TERMAINE HICKS, : NO.:  
 : 2:22-cv-00977(JFM)  
Plaintiff, :  
 :  
vs. :  
 :  
CITY OF PHILADELPHIA, and :  
MARTIN VINSON, ROBERT ELLIS, :  
DENNIS ZUNGOLO, ARTHUR :  
CAMPBELL, MARK WEBB, MARY :  
BRIDGET SMITH, as personal :  
representative of the ESTATE OF :  
BRIAN SMITH, deceased, MICHAEL :  
YOUSE, FRANK HOLMES, DOUGLAS :  
VOGELMAN, KEVIN HODGES, and :  
DUANE WATSON, in their :  
individual capacities, :  
 :  
Defendants. :  
-----

Tuesday, February 27, 2024  
- - -

Videotaped deposition of [REDACTED],  
taken pursuant to notice, held at Kairys, Rudovsky,  
Messing, Feinberg & Lin, LLP, 718 Arch Street,  
Suite 501S, Philadelphia, Pennsylvania, commencing  
at 10:10 a.m., before Nicolle J. Tornetta,  
Registered Professional Reporter and Notary Public  
there being present.

KAPLAN, LEAMAN AND WOLFE  
Registered Professional Reporters  
230 South Broad Street, Suite 1303  
Philadelphia, PA 19102  
(215) 922-7112

KAPLAN LEAMAN & WOLFE

2/27/2024

Page 18

1 A. At the time it's very chaotic. He used his  
2 hand and he used his gun.

3 Q. Okay. Would it be fair to say that he beat  
4 you badly around the head with both his gun and his  
5 fists?

6 MS. MAYS: Objection.

7 MR. JACKAL: Objection.

8 THE WITNESS: Yeah, he was punching me  
9 -- punching me until I could not make any -- any noise,  
10 then he dragged me to -- to the alley.

11 Q. Okay. And he also hit you on the head with  
12 the gun, correct?

13 MS. MAYS: Objection.

14 THE WITNESS: I don't know what kind of  
15 stuff he's using to -- to beat me, but he just  
16 continually punch me, beat me until I could not make  
17 any noise.

18 Q. Okay. When he first grabbed you, you screamed  
19 as loud as you could, correct?

20 A. Yeah, I was walking from Mifflin toward the 15  
21 -- 15th Street. At the corner, I saw a guy just rush  
22 out, and then I walked towards the hospital, and -- and  
23 he followed me and he -- and holding my neck.

24 Q. Okay. And you were trying to rush across the

2/27/2024

Page 19

1 street and down 15th Street to get away from him,  
2 right?

3 MS. MAYS: Objection.

4 THE WITNESS: Yes.

5 BY MS. FREUDENBERGER:

6 Q. Okay. And my understanding from the  
7 transcripts is that when the man grabbed you, you had  
8 made it at least ten houses down 15th Street. Is that  
9 roughly accurate?

10 A. Yeah, I crossed the street. I don't know  
11 whether it's ten -- ten houses dis- -- distance --  
12 distance or not.

13 Q. Okay. But you were approaching McKean Street  
14 when you started screaming, right?

15 MS. MAYS: Objection.

16 THE WITNESS: I'm not sure. Almost. I  
17 didn't pay attention in, like, did I get close to  
18 McKean. Haven't reach yet.

19 MS. FREUDENBERGER: I'm sorry, what was  
20 the last thing you said?

21 THE INTERPRETER: Haven't -- haven't  
22 reach yet.

23 BY MS. FREUDENBERGER:

24 Q. Okay. But you were -- you were hurrying

2/27/2024

Page 20

1 toward -- in the direction of McKean Street when the  
2 man grabbed you?

3 A. Yes.

4 Q. And you immediately started to scream as loud  
5 as you could, right?

6 MS. MAYS: Objection.

7 MR. JACKAL: Objection.

8 THE WITNESS: Yes, I mentioned early I  
9 was saying, I working at the Dunkin' Donuts.

10 BY MS. FREUDENBERGER:

11 Q. Okay. And then after he grabbed you, you  
12 started to scream, right?

13 MS. MAYS: Objection.

14 THE WITNESS: Yes.

15 BY MS. FREUDENBERGER:

16 Q. All right. And eventually, this man beat you  
17 so badly that you were not able to scream anymore; is  
18 that right?

19 MS. MAYS: Objection.

20 MR. JACKAL: Objection.

21 THE WITNESS: Yes.

22 BY MS. FREUDENBERGER:

23 Q. Okay. But you screamed as loud as you could  
24 for as long as you could, right?

[REDACTED] 2/27/2024

Page 99

## C E R T I F I C A T I O N

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

I hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on Tuesday, February 27, 2024, and that this is a correct transcript of the testimony given by the witness of the same.

-----  
Nicolle Joan Tornetta  
Registered Professional Reporter  
and Notary Public  
My Commission Expires:  
July 15, 2026

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)